



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Transportation Committee  
Telephone (808) 768-5008  
Facsimile (808) 768-5011

November 23, 2011

The Honorable Ernest Martin  
Council Chair  
Honolulu City Council  
530 South King Street  
Honolulu, Hawaii 96813

Dear Chair Martin:

As you know, there have been increasing concerns during the past months regarding Councilmember Tom Berg's behavior. I write to you out of my sincere concern for the health and well-being of Councilmember Berg, other councilmembers, staff, and the public.

It appears that Councilmember Berg's inappropriate and disruptive behavior is escalating in frequency and intensity. His outbursts, verbal tirades, inability to stay on the topic of discussion, and argumentative and aggressive behavior are serious concerns that frustrate and impede the work of the Council. While my primary concern in the past was the integrity of the Council, I now fear that Councilmember Berg's behavior may be escalating to the point of possibly being a danger to others.

To document my concerns, I cite the following incidents of last week:

- Committee on Public Works and Sustainability (November 16, 2011).  
Councilmember Berg repeatedly disrupted the meeting. He continuously made lengthy commentary and could not keep to the topic at hand despite the committee chair's firm and repeated requests that he stick to the agenda item. In an attempt to maintain control of the meeting, the committee chair eventually refused to recognize Councilmember Berg.

- HART board meeting (November 17, 2011). Although Councilmember Berg did not disrupt the meeting, he presented testimony in an inappropriate manner. He appeared to be agitated and addressed the board in a disrespectful manner. He accused the board of wanting to cut him off when in fact they listened quietly and never said anything to him while he was talking.
- Committee on Transportation (November 17, 2011). Councilmember Berg repeatedly disrupted the meeting by making lengthy commentary about things not on the agenda. He questioned testifiers in what some people perceived to be a hostile manner. Eventually, several committee members walked out of the meeting in apparent protest. As the committee chairman, I struggled to maintain order. Councilmember Berg's disruptive behavior caused the meeting to drag on longer than necessary which resulted in the following committee meeting to begin late.
- Waipahu Neighborhood Board (November 17, 2011). Councilmember Berg repeatedly disrupted the meeting by demanding to speak. He was argumentative and hostile. At one point, he refused to leave the podium despite repeated requests by the chairman. Some board members left the room and the board chair called a recess. Councilmember Berg remained standing at the podium throughout the recess. At least one person called 911. Two HPD officers responded and had to remain at the meeting until Councilmember Berg finally left later in the meeting. During the recess, I went to the podium to ask Councilmember Berg to show courtesy and respect to the board. Councilmember Berg responded in a hostile manner so I walked away. I felt threatened by his response. After the meeting was reconvened, Councilmember Berg persisted in demanding to speak. The chairman was prepared to have HPD remove him from the meeting and some members moved to adjourn the meeting. Later, some board members and members of the audience said that they felt threatened and feared for their safety. The board chairman stated that he will call or write a letter to you to inform you of Councilmember Berg's unacceptable behavior. Immediately following the meeting, I requested from the Neighborhood Commission Office a complete and unedited copy of the video recording of this meeting. That DVD was already provided to you for your review.
- President Obama's APEC reception (November 12, 2011). I understand that at President Obama's reception at the Hale Koa Hotel, Councilmember Berg was involved in an incident with security. Although I have no way to confirm this report, you may have information regarding the details of the incident.

The Honorable Ernest Martin  
November 23, 2011  
Page 3

Council rules require order and decorum and we expect that all councilmembers abide by such. In addition, as councilmembers, we have a moral and legal obligation to take immediate and appropriate action when anyone feels unsafe or threatened by the actions of a councilmember, especially when there is a pattern of such behavior.

Accordingly, I strongly request that you immediately remove Councilmember Berg as a voting member of all committees. I ask that you take this action to impress upon him the seriousness of the situation and to give the public some assurance that the Council does not condone such behavior. As you know, removing a councilmember as a voting member of all committees is entirely within your authority as Council Chair and that you can take this unilateral action immediately. There is precedence for such action. Should Councilmember Berg's behavior continue unabated, other actions are available and may follow as agreed to by a majority of the Council or as otherwise determined.

Thank you for your consideration.

Sincerely,



BREENE HARIMOTO  
Councilmember, District VIII

cc: All Councilmembers



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Transportation Committee  
Telephone (808) 768-5008  
Facsimile (808) 768-5011

November 22, 2011

Mr. J. Thomas Heinrich, Executive Secretary  
Neighborhood Commission  
City & County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Heinrich:

Re: November 17, 2001 Waipahu Neighborhood Board Meeting

I am writing to you regarding the Waipahu Neighborhood Board meeting held on November 17, 2011. I understand from media reports that a complaint was filed against Board Chair Rito Saniatan.

I was present at that meeting and think that Mr. Saniatan handled a very difficult situation quite well. Councilmember Berg repeatedly disrupted the meeting by demanding to speak. Regardless of what the agenda topic was, he spoke about rail. For example, after the presentation by the principal of Waipahu High School on the achievements of his school and students, Mr. Saniatan asked if there were any questions for the principal and Councilmember Berg rose and began a tangential commentary about rail.

Councilmember Berg was argumentative and hostile throughout the meeting. Some may look to find fault with Mr. Saniatan's actions, but the fact of the matter is that the board chair has a duty to maintain order and decorum at all meetings. Despite the board chair's ruling on this matter, there is no excuse for anyone to repeatedly disrupt the meeting. If Councilmember Berg did not agree with the board chair, he should have stated his objection for the record and moved on. Instead, he refused to leave the podium and repeatedly argued and challenged the board chair in a hostile manner. It appeared that some people in the room felt threatened by his behavior.

As a result of Councilmember Berg's behavior, two officers of the Honolulu Police Department were called to help maintain order and monitor the remainder of the meeting, leaving the Waipahu community with two less officers on patrol.

J. Thomas Heinrich  
November 22, 2011  
Page 2

Please also be advised that because Councilmember Berg had recently exhibited a similar pattern of behavior in City Council committee meetings, I had requested our Council Chair to review Councilmember Berg's actions and take appropriate measures prior to the Waipahu Neighborhood Board meeting in an effort to ensure order, safety and decorum at all future meetings.

I found Councilmember Berg's conduct at the Waipahu Neighborhood Board meeting to be embarrassing, disrespectful and totally inappropriate for a City Council member. As an elected representative of the Waipahu neighborhood, Mr. Saniatan deserves the same respect and courtesy that is afforded to all other elected officials.

In the Neighborhood Commission's review of any complaint, I ask that you focus your attention on the board chair's duty and concerted efforts to maintain order and decorum; and that you support the actions of Mr. Saniatan to control the tenor of the meeting.

Please call or email me if I can be of further assistance. I will be happy to further elaborate at a Neighborhood Commission meeting if necessary.

Sincerely,



BREENE HARIMOTO  
Councilmember, District VIII

cc: Mr. Rito Saniatan  
Waipahu Neighborhood Board members  
All Councilmembers